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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8) Applicant(s):			Docket No. WS-0001	
Application No. 10/730,678	Filing Date December 8, 2003	Examiner John J. Wilson	Customer No.	Group Art Unit 3732

Invention:

System And Method For Remotely Controlling Devices.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	THOMAS P. WARNER	)
		) Group Art Unit:
		) 3732
SERIAL NUMBER:	10/730,678	)
		)
FILED:	December 8, 2003	) Examiner:
		) John J. Wilson
		)
FOR:	SYSTEM AND METHOD FOR REMOTELY CONTROLLING DEVICES	)
		)

REPLY BRIEF

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1. THE REAL PARTY IN INTEREST

The real party in interest in this appeal is Warner Systems, LLC. Ownership by Warner Systems, LLC is established by an assignment document recorded for this application on August 9, 2004 on Reel 015662 Frame 0938.

2. RELATED APPEALS AND INTERFERENCES

Applicant has filed a Notice of Appeal for U.S. Patent Application No. 10/464,369 filed on June 17, 2003. The Notice of Appeal was filed on July 11, 2006.

3. STATUS OF CLAIMS

Claims 1, 4, 5, 7-18, 20, 22, and 24-30 are currently pending and are the claims on appeal.

Claims 1, 4, 5, 7, 12-17, 20, 22, 24-26 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beier et al., (U.S. Patent No. 4,571,681) hereinafter Beier '681 in view of Murry et al., (U.S. Patent No. 4,156,187) and Beier et al., (U.S. Patent No. 4,305,126) hereinafter Beier '126.

Claims 8-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beier '681 in view of Murry et al. and Beier '126 and further in view of Jones et al. (U.S. Patent No. 4,114,275).

Claims 18 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beier '681 in view of Murry et al. and Beier '126, and further in view of Fornoff et al. (U.S. Patent No. 5,931,669).

Claims 29 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beier '681 in view of Murry et al. and Beier '126, and further in view of Nash, U.S. Patent No. (4,171,572).

4. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether the claims 1, 4, 5, 7, 12-17, 20, 22, 24-26 and 28 are unpatentable under 35 U.S.C. §103(a) over Beier '681 in view of Murry et al. and Beier '126.

Whether the claims 8-11 are unpatentable under 35 U.S.C. §103(a) over Beier '681 in view of Murry et al. and Beier '126 and further in view of Jones et al.

Whether the claims 18 and 27 are unpatentable under 35 U.S.C. §103(a) over Beier '681 in view of Murry et al., and Beier '126, and further in view of Fornoff et al.

Whether the claims 29 and 30 are unpatentable under 35 U.S.C. §103(a) over Beier '681 in view of Murry et al. and Beier '126, and further in view of Nash.

5. ARGUMENT

A. The Examiner's rejection of claims 1, 4, 5, 6, 12-17, 20, 22, 24-26 and 28 is improper because the Examiner has not identified any proper motivation for the proposed combination of Beier '168, Murry et al., and Beier '126

The Examiner argues on page 4 of the Examiner's Answer that with respect to claims 1, 4, 5, 6, 12-17, 20, 22, 24-26 and 28 that one of ordinary skill in the art would understand how to incorporate the alternative ways of communicating signals taught by Murry et al. into the system of Beier '681 and maintain the ability to supply variable voltage by not including every feature of the Murry et al. reference in the combination. Applicant will now explain how the Examiner's assertion is completely unsupported by the references.

Referring to Beier '681, an objective of the Beier '681 system is to supply a variable voltage level to the control elements for variable control (e.g., variable speed control) of the devices. See Beier '681, column 2, lines 9-12. Referring to Murry et al., Figure 13 illustrates a system having an ultrasonic transmitter and receiver that can merely turn on a device in response to received ultrasonic energy at a particular frequency. Applicant notes that the Murry et al. transmitter does not include any information in the ultrasonic energy, for variably controlling operation (e.g., variably controlling speed) of the instruments as required by Beier '681. Further, there is no suggestion or teaching in Beier '681 and Murry et al. of transmitting ultrasonic energy (or RF signals) with information necessary to variably control operation of an instrument, as suggested by the Examiner. Accordingly, the proposed combination of Beier '681 and Murry et al. would destroy the functionality of the Beier '681, because the instruments could not be variably controlled based on the teachings of these references. Further, adding the teachings of Beier '126 would not assist in saving the functionality of Beier '681. Thus, applicant submits that no proper motivation has been identified for the proposed combination.

B. The Examiner's rejection of claims 1, 4, 5, 6, 12-17, 20, 22, 24-26 and 28 is improper because the proposed combination of Beier '681, Murry et al. and Beier '126 does not teach each and every limitation of the claims

The Examiner argues on pages 5 and 6 of the Examiner's Answer that with respect to claims 1, 4, 5, 6, 12-17, 20, 22, 24-26 and 28 that Beier '681 and Beier '126 teach the first microprocessor further configured to induce the RF transmitter to transmit a first RF signal in response to at least partial displacement of the moveable member when the first device is selected, as recited in claims 1 and 22 ----because Beier '681 suggests computers and Beier '126 suggests that communication between different modules can be controlled using a microprocessor. Applicant notes that the Examiner appears to be taking the position that if a reference recites a computer or a microprocessor, then the reference suggests a computer or microprocessor configured to perform a function that is not specifically taught by the reference. Applicant respectfully submits that this type of reasoning is clearly improper.

After a thorough review of Beier '681, Murry et al., and Beier '126 it is clear that none of the references suggest or teach the following limitations: "the first microprocessor configured to determine whether at least a first device or a second device is selected, the first microprocessor further configured to induce the RF transmitter to transmit a first RF signal in response to at least partial displacement of the moveable member when the first device is selected, the first RF signal having a first identifier value", as recited in independent claim 1, and similarly recited in claim 22. In particular, applicant note that there is no suggestion or teaching in any of these references, and in particular Murry et al., of a microprocessor configured to determine whether a first device is selected. Further, there is no teaching in any of these references of a microprocessor configured to induce an RF transmitter to transmit an RF signal. In contrast, referring to Beier '681, the reference merely makes the statement that "the computer 61....serves the purpose that the presently prepared operating signals can be varied in accordance with the measure of further parameters... See Beier '681, paragraph 7, lines 14-18. Further, in contrast, referring to Beier '126, the reference merely makes the statement that "the dental treatment installation

...has...a control device 100 which may be constituted as central control device by a computer, and in particular by a micro-computer which is provided by at least one microprocessor." See Beier '126, column 5, lines 39-43. Further, referring to Figure 13 of Murry et al., the transmitter utilizes an oscillator 282 to output ultrasonic energy when a switch is closed. In other words, Murry et al. does not even utilize a microprocessor to control transmission of ultrasonic energy.

Applicant further notes that there is no suggestion or teaching in any of the cited references of an identifier value in an RF signal to identify which device is selected, as recited in independent claims 1 and 22.

The Examiner further argues that Beier '681 teaches a first device actuation unit configured to compare a first identifier value in a signal to a first predetermined value associated with the first device. Applicant respectfully disagrees. In particular, applicant notes that the Examiner has not identified any specific device in the Beier '681 (or Murry et al.) that compares a first identifier value in an RF signal to a first predetermined value and to further actuate the first device when the first identifier value corresponds to the first predetermined value, as recited in claims 1 and 22. In particular, referring to Figure 1 of Beier '681, applicant notes that the control component 12 does not compare a first identifier value in a signal to a first predetermined value and to further actuate the first device when the first identifier value corresponds to the first predetermined value. In contrast, the control component 12 has: a D/A converter 70 that merely outputs a 1-10 volt voltage, a summing circuit 71 that merely sums two signals together, and a limit circuit 72 that merely limits an amplitude of an analog output voltage. Further, the control units 42, 43, 44, 45 do not do any comparison since they merely receive an analog signal from the limit circuit 72. Still further, the analog output voltage by the control component 12 is received by each of control units 42, 43, 44, 45. See Beier '681, Figure 1. Still further, the control data memory 7 induces the data router 10 to send a signal to the D/A transducer in the control component 12 to cause the D/A transducer 70 to output a voltage between 1-10 volts. As discussed above, the control component 12 has no hardware capable of making

any determination as to which of the control units 42, 43, 44, 45 is to be controlled based on the signal from the data router 10. The control component 12 merely outputs an analog voltage to each of the control units 42, 43, 44, 45 electrically coupled to the control component 12.

Because the proposed combination of Beier '681, Murry et al. and Beier '126 does not suggest or teach each and every limitation of independent claim 1 and 22, and claims 4, 5, 6, 12-17, 20, 24-26 and 28 which depend from one of claims 1 and 22, applicant submits that the rejection of claims 1, 4, 5, 6, 12-17, 20, 22, 24-26 and 28 under 35 U.S.C. §103(a) is improper.

C. The Examiner's rejection of claim 8 is improper because the proposed combination of Beier '681, Murry et al., and Beier '126 and Jones et al. does not teach each and every limitation of claim 8

The Examiner argues on page 6 of the Examiner's Answer that with respect to claim 8, that Jones suggests an art known switch for pneumatically controlling signals. Applicant notes that the Examiner appears to have broad brushed the limitations of claim 8 since he did not specifically argue how the references teach each and every limitation of claim 8. Applicant further notes that the Examiner appears to be taking the position that if a reference (e.g., Beier '681 or Beier '126) recites a computer or a microprocessor, then the reference suggests a computer or microprocessor configured to perform a function that is not specifically taught by the reference. Applicant respectfully submits that this type of reasoning is clearly improper.

After carefully reviewing the references, applicant submit that none of the references provide any suggestion or teaching of the following limitations of claim 8: "a pneumatic switch operatively coupled to the first microprocessor and to the conduit, wherein at least partial displacement of the moveable member actuates the pneumatic valve increasing a pressure in the conduit, when the pressure is greater than a predetermined pressure the pneumatic switch is actuated inducing the first microprocessor to induce the

RF transmitter to transmit the first RF signal." In fact, none of the references provide any teaching of a microprocessor configured to monitor a pneumatic switch or a microprocessor configured to induce an RF transmitter to transmit an RF signal.

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Jones et al. does not suggest or teach each and every limitation of claim 8, applicant submits that the rejection of claim 8 under 35 U.S.C. §103(a) is improper.

D. The Examiner's rejection of claim 9 is improper because the proposed combination of Beier '681, Murry et al., and Beier '126 and Jones et al. does not teach each and every limitation of claim 9

The Examiner argues on page 7 of the Examiner's Answer that with respect to claim 9, that pressure sensor and switches in a pneumatic-electric system are known. Again, the Examiner appears to have broad brushed the limitations of claim 9 since he did not specifically argue how the references suggest or teach each and every limitation of claim 9.

After carefully reviewing the references, applicant submits that none of the references provide any teaching of the following limitations of claim 9: "a pneumatic valve operatively coupled to a conduit, the valve being further operatively coupled to the movable member, the valve opening in response to at least partial displacement of the moveable member, the system further including a pressure sensor coupled to the conduit generating a pressure signal indicative of the pressure in the conduit that is transmitted to the first microprocessor."

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Jones et al. does not suggest or teach each and every limitation of claim 9, applicant submits that the rejection of claim 9 under 35 U.S.C. §103(a) is improper.

E. The Examiner's rejection of claim 10 is improper because the proposed combination of Beier '681, Murry et al., and Beier '126 and Jones et al. does not teach each and every limitation of claim 10

The Examiner argues on page 7 of the Examiner's Answer that with respect to claim 10, that the combination of references suggests the use of microprocessor for controls, and as such the combination with Jones suggests the use of pneumatic switches and microprocessors for controlling devices. Again, the Examiner appears to have broad brushed the limitations of claim 10 since he did not specifically argue how the references teach each and every limitation of claim 10. Further, applicant notes that the Examiner appears to be taking the position that if a reference (e.g., Beier '681 or Beier '126) recites a computer or a microprocessor, then the reference suggests a computer or microprocessor configured to perform a function that is not specifically taught by the reference. Applicant respectfully submits that this type of reasoning is clearly improper.

After carefully reviewing the references, applicant submits that none of the references provide any suggestion or teaching of the following limitations of claim 10: "The system of claim 9 wherein the first microprocessor is configured to induce the RF transmitter to generate the first RF signal when the pressure signal indicates the pressure is greater than a predetermined pressure." In fact, none of the references suggest or teach a microprocessor configured to monitor a pressure signal.

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Jones et al. does not suggest or teach each and every limitation of claim 10, applicant submits that the rejection of claim 10 under 35 U.S.C. §103(a) is improper.

F. The Examiner's rejection of claim 11 is improper because the proposed combination of Beier '681, Murry et al., Beier '126 and Jones et al. does not teach each and every limitation of claim 11

The Examiner argues on page 8 of the Examiner's Answer that with respect to claim 10, that the combination of references suggests command value because command values are well known as necessary in computer controlled systems. Again, the Examiner appears to have broad brushed the limitations of claim 11 since he did not specifically argue how the references teach each and every limitation of claim 11. Further, applicant notes that the Examiner appears to be taking the position that if a reference (e.g., Beier '681 or Beier '126) recites a computer or a microprocessor, then the reference suggests a computer or microprocessor configured to perform a function that is not specifically taught by the reference. Applicant respectfully submits that this type of reasoning is clearly improper.

After carefully reviewing the references, applicant submits that none of the references provide any suggestion or teaching of the following limitations of claim 11: "The system of claim 9 wherein the first microprocessor is configured to induce the RF transmitter to generate the first RF signal containing a command value determined from the pressure signal." In fact, none of the references suggest or teach a microprocessor that determines a command value from a pressure signal. Further, none of the references suggest or teach a microprocessor configured to generate an RF signal having a command value.

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Jones et al. does not suggest or teach each and every limitation of claim 11, applicant submits that the rejection of claim 11 under 35 U.S.C. §103(a) is improper.

G. The Examiner's rejection of claim 18 is improper because the proposed combination of Beier '681, Murry et al., Beier '126 and Fornoff et al. does not teach each and every limitation of claim 18

The Examiner argues on page 8 of the Examiner's Answer that with respect to claim 18, that: "Fornoff et al. teaches that the system is integrated with a video camera, and as such the images taken by the camera must be input into the computer. One of ordinary skill in the art would be aware that a video card is a very well known way of imputing

images into a system, and the user of the input card would have been obvious to the skilled artisan."

Applicant notes that the Examiner appears to have misconstrued the teachings of Fornoff et al. In particular, after carefully reviewing Fornoff et al., applicant submits that there is no teaching within Fornoff et al. of a video capture board. In contrast, Fornoff discloses a PC that executes a program to freeze a video frame. See Fornoff et al., Figure 1 having a PC, and column 4, lines 30-37. Further, applicant notes that none of the references suggest or teach a device actuation unit configured to receive a first RF signal and to induce a video capture board to store a video image in memory in response to the first RF signal, as recited in claim 18.

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Fornoff et al. does not teach each and every limitation of claim 18, applicant submits that the rejection of claim 18 under 35 U.S.C. §103(a) is improper.

H. The Examiner's rejection of claim 27 is improper because the proposed combination of Beier '681, Murry et al., Beier '126 and Fornoff et al. does not teach each and every limitation of claim 27

The Examiner argues on page 9 of the Examiner's Answer that with respect to claim 27, that the method using of the structure would be an obvious use of the obvious structure to the skilled artisan. Again, the Examiner has appears to have broad brushed the limitations of claim 27 and claim 22 from which it depends.

In particular, applicant notes that none of the references suggest or teach the following limitations of independent claim 22: "controlling the first device utilizing the device actuation unit based on the first RF signal when the first identifier value corresponds to the first predetermined value associated with the first device." Further, none of the references suggest or teach the following limitations of claim 27 which depends from claim 22: "The method of claim 22 wherein the controlling step includes

inducing a video capture board to store a video image in a memory in response to the first signal."

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Fornoff et al. does not suggest or teach each and every limitation of claim 27, applicant submits that the rejection of claim 27 under 35 U.S.C. §103(a) is improper.

I. The Examiner's rejection of claim 29 and 30 are improper because the proposed combination of Beier '681, Murry et al., Beier '126 and Nash does not teach each and every limitation of claims 29 and 30

The Examiner argues on page 9 of the Examiner's answer that with respect to claim 29 and 30 that Nash teaches using a predetermined time period, column 7, lines 17, which inherently requires a threshold time period. Again, the Examiner has broad brushed the limitations of claim 29 and 30 because he did not specifically argue as to how the references teach each and every limitation of claims 29 and 30.

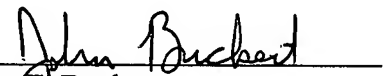
Nash does disclose a solid-state timer. However, neither Nash nor any of the other references suggest or teach maintaining activation of the first device during a first time period from at least receipt of the first RF signal to receipt of the third RF signal, if the first time period is less than or equal to a threshold time period, as recited in claims 29 and 30.

Because the proposed combination of Beier '681, Murry et al., Beier '126, and Nash does not teach each and every limitation of claims 29 and 30, applicant submits that the rejection of claims 29 and 30 under 35 U.S.C. §103(a) is improper.

J. CONCLUSION

In view of the foregoing arguments, applicant respectfully submits that the present application for a system and a method for remotely controlling devices is novel and unobvious. Further, a reversal of the rejections of record, or such recommendation or relief as equity may require, is respectfully requested.

Respectfully Submitted,

By 
John F. Buckert
Registration No. 44,572

Date: April 23, 2007

CLAIMS APPENDIX

1. A system for remotely controlling devices, comprising:

a foot pedal unit having a moveable member;

a first microprocessor operatively associated with the foot pedal unit and an RF transmitter, the first microprocessor configured to determine whether at least a first device or a second device is selected, the first microprocessor further configured to induce the RF transmitter to transmit a first RF signal in response to at least partial displacement of the moveable member when the first device is selected, the first RF signal having a first identifier value, the first microprocessor further configured to induce the RF transmitter to transmit a second signal in response to at least partial displacement of the moveable member when the second device is selected, the second RF signal having a second identifier value; and

a first device actuation unit configured to receive the first RF signal, the first device actuation unit further configured to compare the first identifier value to a first predetermined value associated with the first device, the first device actuation unit further configured to actuate the first device when the first identifier value corresponds to the first predetermined value.

4. The system of claim 1 wherein the first device actuation unit includes a second microprocessor and an RF receiver operably coupled to the second microprocessor.

5. The system of claim 1 further comprising a second device actuation unit configured to receive the second RF signal, the second device actuation unit further configured to compare the second identifier value to a second predetermined value associated with the second device, the second device actuation unit further configured to actuate the second device when the second identifier value corresponds to the second predetermined value.

7. The system of claim 1 further comprising an electrical switch operatively coupled to the moveable member and to the first microprocessor, wherein at least partial displacement of the moveable member actuates the electrical switch, the first microprocessor configured to induce the transmitter to transmit the first signal in response to actuation of the switch.

8. The system of claim 1 further comprising a pneumatic valve coupled to a conduit, the valve further operatively coupled to the moveable member, the system further including a pneumatic switch operatively coupled to the first microprocessor and to the conduit, wherein at least partial displacement of the moveable member actuates the pneumatic valve increasing a pressure in the conduit, when the pressure is greater than a predetermined pressure the pneumatic switch is actuated inducing the first microprocessor to induce the RF transmitter to transmit the first RF signal.

9. The system of claim 1 further comprising a pneumatic valve operatively coupled to a conduit, the valve being further operatively coupled to the movable member, the valve opening in response to at least partial displacement of the moveable member, the system further including a pressure sensor coupled to the conduit generating a pressure signal indicative of the pressure in the conduit that is transmitted to the first microprocessor.

10. The system of claim 9 wherein the first microprocessor is configured to induce the RF transmitter to generate the first RF signal when the pressure signal indicates the pressure is greater than a predetermined pressure.

11. The system of claim 9 wherein the first microprocessor is configured to induce the RF transmitter to generate the first RF signal containing a command value determined from the pressure signal.

12. The system of claim 1 further comprising a position sensor operatively coupled to the movable member of the foot pedal unit, the position sensor generating a third signal

indicative of a position of the moveable member that is received by the first microprocessor, the first microprocessor configured to induce the RF transmitter to generate the first RF signal containing a command value determined from the position signal.

13. The system of claim 12 wherein the position signal is indicative of an angular position of the movable member.

14. The system of claim 12 wherein the position signal is indicative of a linear position of the movable member.

15. The system of claim 1 wherein the first device comprises a dental implement.

16. The system of claim 1 wherein the first device comprises a medical implement.

17. The system of claim 1 wherein the first device comprises one of a drill, a microprocessor position-controllable dental chair, an infrared photo-optic imaging camera, a dental irrigator, an intra-oral camera, a video capture circuit, a laser, an air-abrasion unit, an electro-surgery unit, an ultrasonic teeth cleaning unit, a piezo-ultrasonic unit, an air polishing prophylaxis device, a gum depth measurement probe, a surgical microscope with controllable focusing adjustment, a microprocessor controlled anesthetic delivery system, and an endodontic heat source device.

18. The system of claim 1 wherein the first device comprises a video capture board, the system further comprising a first device actuation unit operatively coupled to the video capture board, the first device actuation unit configured to receive the first RF signal and to induce the video capture board to store a video image in a memory in response to the first RF signal.

20. The system of claim 1 further comprising:

a second microprocessor operatively coupled to an RF receiver, and

an RF transmitter unit configured to transmit a third RF signal having the first predetermined value associated with the first device for selecting the first device, the second microprocessor being further configured to store the first predetermined value in a memory when the third RF signal is received by the RF receiver.

22. A method for remotely controlling devices, comprising:

determining when a first device is selected, utilizing a microprocessor;

inducing an RF transmitter to transmit a first RF signal having a first identifier value in response to at least partial displacement of a moveable member on a foot pedal unit when the first device is selected, utilizing the microprocessor;

determining when a second device is selected, utilizing the microprocessor;

inducing the RF transmitter to transmit a second RF signal having a second identifier value in response to at least partial displacement of the moveable member on the foot pedal unit when the second device is selected, utilizing the microprocessor;

receiving the first RF signal at a device actuation unit;

comparing the first identifier value to a first predetermined value associated with the first device; and

controlling the first device utilizing the device actuation unit based on the first RF signal when the first identifier value corresponds to the first predetermined value associated with the first device.

24. The method of claim 22 further comprising controlling the second device utilizing the device actuation unit based on the second RF signal when the second identifier value corresponds to a second predetermined value associated with the second device.

25. The method of claim 22 wherein the first device comprises a dental implement or a medical implement.

26. The method of claim 22 wherein the first device comprises one of a drill, a microprocessor position-controllable dental chair, an infrared photo-optic imaging camera, a dental irrigator, an intra-oral camera, a video capture circuit, a laser, an air-abrasion unit, an electro-surgery unit, an ultrasonic teeth cleaning unit, a piezo-ultrasonic unit, an air polishing prophylaxis device, a gum depth measurement probe, a surgical microscope with controllable focusing adjustment, a microprocessor controlled anesthetic delivery system, and an endodontic heat source device.

27. The method of claim 22 wherein the controlling step includes inducing a video capture board to store a video image in a memory in response to the first signal.

28. The system of claim 1 wherein the first microprocessor is further configured to induce the RF transmitter to transmit a third RF signal having the first identifier value in response to at least partial displacement of the moveable member when the first device is selected.

29. The system of claim 28 wherein the first device actuation unit is further configured to receive the third RF signal and to maintain activation of the first device during a first time period from at least receipt of the first RF signal to receipt of the third RF signal, if the first time period is less than or equal to a threshold time period.

30. The method of claim 22 further comprising:

inducing the RF transmitter to transmit a third RF signal having the first identifier value in response to at least partial displacement of the moveable member when the first device is selected; and

receiving the third RF signal at the device actuation unit and maintaining activation of the first device during a first time period from at least receipt of the first RF signal to receipt of the third RF signal, if the first time period is less than or equal to a threshold time period.